

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHAEL ALEXANDER FRIEDMANN,

Plaintiff,

v.

STATE OF WASHINGTON, et al.,

Defendants.

Case No. 09-5761RJB

ORDER DENYING PLAINTIFF'S
MOTION TO COMPEL

This matter comes before the Court on Plaintiff's Motion to Compel Discovery and Production of Entire Court Record and Sanction [sic] (Dkt. 127). The Court has considered the motion, the response, and the remainder of the file herein.

On September 16, 2010, Plaintiff filed a Motion to Compel requesting documents from two non-parties, Pierce County Prosecuting Attorney's Office, and Kevin Benton, the Chief of the Misdemeanor Division. Dkt. 127, p. 1. Plaintiff is requesting documents "pertaining to Michael Friedmann and/or WSP Case No. 07-013754 and/or Pros Case No. 200727250. [Including] all decline documentation and/or documentation of a dispositive nature." Dkt. 127-1, p. 6.

Fed.R.Civ.P. 34(c) states that "[a]s provided in Rule 45, a nonparty may be compelled to produce documents and tangible things or to permit an inspection. Fed.R.Civ.P. 45 lays out the procedure for requesting documents.

It appears that the Plaintiff has not properly served the non-parties in accordance with the

1 appropriate rules. Nor does it appear that the Plaintiff has attempted in good faith to resolve the
2 discovery dispute in accordance with Local Rule CR 37. Finally, the Plaintiff's Motion to
3 Compel is past the Discovery Motion Cutoff Date of September 13, 2010. See Dkts. 83 & 137.
4 For the foregoing reasons, the Plaintiff's motion should be denied.


5 Plaintiff also makes requests for sanctions and court appointed counsel. Plaintiff's
6 requests for sanctions should be denied because he has not shown that sanctions are merited in
7 this case. Plaintiff's request for court appointed counsel should be denied as the Plaintiff is able
8 to express his claims.

9 The Court does hereby find and **ORDER**:

10 (1) Plaintiff's Motion to Compel (Dkt. 127) is **DENIED**; and

11 (2) The Clerk is directed to send copies of this Order to all counsel of record and any
12 party appearing *pro se* at said party's last known address.

13 DATED this 12th day of October, 2010.

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16 Robert J. Bryan
17 United States District Judge
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